

FILED

2010 MAY 17 PM 4:00
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

The Fullman Firm
Adam C. Fullman (SBN 194249)
Grenville T. Pridham (SBN 120695)
13512 Newhope Street
Garden Grove, CA 92843
Telephone: (714) 534-0050
Facsimile: (714) 534-0550

Attorneys for plaintiff Amalia T. Cuenco

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

AMALIA T. CUENCO, an individual,

Plaintiff,

v.

LIVINGSTON FINANCIAL LLC, a
business entity form unknown;
GEORGE LOUIS COHN, an
individual; and
DOES 1-50, inclusive,

Defendants.

CASE NO. **CV10-03706 DDP(JEMX)**

**PLAINTIFF AMALIA T.
CUENCO'S COMPLAINT AND
DEMAND FOR JURY TRIAL**

Unlawful Debt Collection Practices

I. INTRODUCTION

1. This is a consumer credit action brought pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter "FDCPA" or "Act") and the California Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 et

1 *seq.* Plaintiff seeks actual damages, injunctive relief, a declaratory judgment,
2 statutory damages and other relief against Defendant debt collectors arising from
3 their routine practices of filing or proceeding on lawsuits on time barred debts.
4

5 **II. JURISDICTION**

6
7 2. Subject matter jurisdiction of this Court arises under 15 U.S.C. § 1692k(d),
8 actionable through 28 U.S.C. § 1331 and 1337. Jurisdiction over the supplemental
9 state law claims arise under 28 U.S.C. § 1367.
10

11 3. In personam jurisdiction exists and venue is proper as Defendant Cohn has his
12 place of business in this state and regularly does business in this district.
13

14 Defendant Livingston Financial LLC regularly does business in this district.

15 Plaintiff is a resident of this district and the alleged violations occurred here.
16

17 **III. PARTIES**

18 4. Plaintiff Amalia T. Cuenco ("Plaintiff"), is an adult individual residing in
19 Pomona, Los Angeles County, California. At all times material hereto Plaintiff
20 was a "consumer" as that term is contemplated in §1692a of the Act.
21

22
23 5. Defendant Livingston Financial LLC ("Livingston") is a business entity form
24 unknown engaged in the business of collecting debts due or alleged to be due to
25 others across the state of California. As such, Livingston is a "debt collector" as
26 that term is contemplated in §1692a(6) of the Act.
27
28

1 6. Defendant Cohn is the outside counsel for Defendant Livingston and is
2 actively engaged in the business of collecting debts due or alleged to be due to
3 others across the state of California, and has his principal office for the regular
4 transaction of business in the City of Redondo Beach, County of Los Angeles,
5 State of California. As such Cohn is a "debt collector" as that term is contemplated
6 in §1692a(6) of the Act. Cohn has personal involvement in the acts challenged by
7 this lawsuit.
8
9
10

11 7. All defendants are hereinafter collectively referred to as "Defendants."
12

13 **IV. FACTUAL ALLEGATIONS**

14 8. On or about May 18, 2009, Defendants filed a lawsuit against Plaintiff in the
15 Los Angeles County Superior Court by filing a Complaint at Docket Number
16 09C01755 (the "Lawsuit").
17

18 9. The Lawsuit set forth causes of action for 1) money lent, 2) money had and
19 received, 3) breach of contract, 4) account stated, and 5) open book account, with
20 each cause of action seeking damages in the amount of \$4,669.87.
21

22 10. The alleged debt was a US Bank Visa credit card debt, incurring fees and
23 interest.
24

25 11. The last activity on the account was more than four (4) years prior to the
26 Defendants' filing of the Lawsuit.
27
28

1 12. The Defendants filed a proof of service of the summons and complaint in the
2 Lawsuit which alleged service by substituted service on an "Amy Doe" at a
3 residential address in Pico Rivera at which Plaintiff had neither resided nor
4 received her mail for over ten years. In fact, however, no person at that address
5 was served with any documents anyway.
6
7

8 13. Furthermore, Defendants knew Plaintiff's correct address in Pomona, as
9 evidenced by documents filed in the Lawsuit. It is unknown why Defendants did
10 not serve Plaintiff at her address, of which they were well aware, and instead
11 chose to attempt a futile and insufficient substituted service to a person at an
12 address at which Plaintiff had not resided for over a decade.
13
14

15 14. Resultantly, Plaintiff was never served with the summons and complaint in the
16 Lawsuit, and was thus prevented from defending herself against the untimely-filed
17 Lawsuit.
18
19

20 15. On March 30, 2010, Defendants applied for entry of default and for a default
21 judgment in an amount which included interest and attorneys fees. Defendants'
22 actions on March 30, 2010 to secure a default judgment against Plaintiff occurred
23 within one year prior to the filing of Plaintiff's original Complaint herein, filed on
24 May 17, 2010.
25
26
27
28

1 16. On or about March 30, 2010, a default was entered against Plaintiff in the
2 Lawsuit.
3

4 17. On or about April 29, 2010, a default judgment was entered on the Lawsuit in
5 favor of the Defendants and against Plaintiff for \$3,786.05, together with
6 prejudgment interest in the amount of \$1,926.22, and court costs of \$260.00,
7 totaling \$5,972.27.
8

9
10 18. The judgment in the Lawsuit was based upon a "Declaration in Support of
11 Default Judgment C.C.P. 585(d)" (the "Declaration").
12

13 19. The Declaration stated in part: "According to the records of Plaintiff,
14 Defendant(s) failed to pay any part of this balance due, and there is now due and
15 owing from the Defendant(s) to the Plaintiff the sum of \$4,669.87 with interest
16 thereon from and after 2/20/05 at the rate of 10% per annum."
17

18 20. The sole exhibit attached to the Declaration is a "January Statement for
19 activity from Jan. 01, 2005 through Jan. 31, 2005," which shows the subject debt
20 as a "CHARGE OFF" on January 31, 2005.
21

22
23 21. May 18, 2009 (the date the Lawsuit was filed) was more than four (4) years
24 after the debt was charged off on January 31, 2005 or the alleged damage accrual
25 date of February 20, 2005.
26
27
28

1 **V. LEGAL ALLEGATIONS**

2 22. Pursuant to California law, lawsuits such as the Lawsuit against the named
3 Plaintiff may only be brought and prosecuted within four years of the date of the
4 obligation to pay on the debt. The Lawsuit against Plaintiff was filed outside of the
5 statute of limitations, and Defendants failed and refused to properly investigate the
6 issue and continued to pursue the Lawsuit on the time barred debt nonetheless.
7

8 23. The practice of filing or proceeding with collection lawsuits on time-barred
9 debts when Defendants either knew or should have known of the expiration of the
10 statute of limitations, and its collection of any amounts (including principal and
11 suit expenses) as a result of such lawsuits, violates §§1692e, 1692e(2)(A),
12 1692e(5), 1692e(10) and 1692f (1) of the Act.
13
14
15
16

17 **VI. CAUSES OF ACTION**

18 **FIRST CAUSE OF ACTION**

19 **Against all Defendants for Violations of the**
20 **FAIR DEBT COLLECTION PRACTICES ACT**
21

22 **15 U.S.C. § 1692 *et seq.***
23

24 24. Plaintiff repeats and realleges and incorporates by reference the paragraphs
25 above as if set forth herein in full.
26
27
28

1 25. As a result of the foregoing violations of the FDCPA, Defendants,
2 LIVINGSTON FINANCIAL LLC and GEORGE LOUIS COHN are liable to the
3 Plaintiff, AMALIA T. CUENCO, for declaratory judgment that the Defendant's
4 conduct violated the FDCPA, actual damages, statutory damages, and costs and
5 attorney's fees.
6

7
8 26. The Defendants, by filing or proceeding with collection lawsuits on time-
9 barred debts and/or seeking to collect any amounts for materials or services
10 furnished arising from a credit card debt, have violated 15 U.S.C. §§1692e,
11 1692e(2)(A), 1692e(5), 1692e(10) and 1692f(1) of the Fair Debt Collection
12 Practices Act.
13
14

15 27. **WHEREFORE**, Plaintiff requests that this Court enter judgment for Plaintiff
16 as follows:
17

- 18
19 (a) Awarding actual damages;
20 (b) Awarding statutory damages to the Plaintiff as provided by 15 U.S.C.
21 §1692k(a)(2);
22 (c) Awarding Plaintiff her costs and reasonable attorney's fees;
23 (d) Entry of a Declaratory Judgment that Defendant's practice of suing for and
24 collecting on time-barred lawsuits and/or lawsuits for goods or services furnished
25 arising from alleged credit card debt to be unlawful under the Fair Debt Collection
26 Practices Act; and
27 (e) Granting such other and further relief as may be deemed just and proper.
28

SECOND CAUSE OF ACTION

Against all Defendants for Violations of the

ROSENTHAL ACT, Cal. Civil Code § 1788 *et seq.*

28. Plaintiff repeats and realleges and incorporates by reference the paragraphs above as if set forth herein in full.

29. The Rosenthal Fair Debt Collection Practices Act, Civil Code § 1788 *et seq.* was enacted in 1976 to protect consumers from the oppressive and over-reaching debt collection practices of creditors and professional debt collectors. Civil Code § 1788.1(b). The Legislature found that “unfair or deceptive debt collection practices undermine the public confidence which is essential to the continued functioning of the banking and credit system and sound extensions of credit to consumers.” Civil Code § 1788.1(a)(2). The Rosenthal Act as originally passed set forth a list of proscribed collection practices. Then, in 1999, the Legislature expanded creditor liability even further, by incorporating violations of the federal Fair Debt Collection Practices Act as violations of the Rosenthal Act. Civil Code § 1788.

30. The purported debt which defendant attempted to collect from plaintiff was a “consumer debt” within the meaning of Civil Code § 1788.2(f).

31. Defendants violated the provisions of Civil Code § 1788.17 by:

1 (a) engaging in conduct the natural consequence of which was to harass, oppress,
2 or abuse plaintiff and other parties in connection with collection of a debt, in
3 violation of 15 U.S.C. § 1692d; and/or
4

5 (b) using false, deceptive, or misleading misrepresentations or means in
6 connection with the collection of a debt, in violation of 15 U.S.C. § 1692e; and (f)
7 using unfair or unconscionable means to collect or attempt to collect a debt, in
8 violation of 15 U.S.C. § 1692f.
9
10

11 32. As a proximate result of defendants' violations enumerated above, plaintiff has
12 been damaged in amounts which are subject to proof.
13

14 33. Defendants' violations of the Rosenthal Act were willful and knowing, thereby
15 entitling plaintiff to statutory damages pursuant to Civil Code § 1788.30(b).
16

17 Plaintiff is also entitled to the remedies set forth at 15 U.S.C. §1692k., pursuant to
18 Civil Code § 1788.17.
19

20 34. Plaintiff is entitled to recover her reasonable attorney's fees and costs pursuant
21 to Civil Code §1788.30(c), and 15 U.S.C. § 1692k.
22

23 35. At all times herein, defendants acted with malice, and with a state of mind
24 arising from hatred or ill will, evidencing a willingness to vex, annoy and/or injure
25 plaintiff and members of the general public.
26

27 WHEREFORE Plaintiff prays for relief as set forth below.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against the Defendants, awarding relief as follows:

1. For a declaratory judgment that Defendant's conduct violated the FDCPA;
2. For actual and compensatory damages in an amount to be ascertained according to proof pursuant to FDCPA and Rosenthal Act and all other causes of action;
3. For statutory damages of \$1,000.00, per violation of law, pursuant to FDCPA, 15 U.S.C. § 1692k;
4. For statutory damages of \$1,000.00, per violation of law, pursuant to the Rosenthal Act, Cal Civil Code § 1788.30;
5. For punitive damages in an amount sufficient to punish Defendants and deter others from like conduct;
6. For an injunction prohibiting Defendants from further collection efforts against Plaintiff and from selling, transferring, or otherwise disposing of the account to another;
7. For prejudgment interest;
8. For an award of attorneys' fees, costs and expenses incurred in the investigation, filing and prosecution of this action, pursuant to 15 U.S.C. §§ 1692k and Cal. Civil Code § 1788.30; and

1 9. For such other and further relief as this Court deems just and proper.

2
3 Dated: May 17, 2010.

Respectfully submitted,
THE FULLMAN FIRM
Adam C. Fullman, Esq.
Grenville Pridham, Esq.
13512 S. Newhope Street
Garden Grove, CA 92843
Tel: (714) 534-0050
Fax: (714) 534-0550

4
5
6
7
8
9
10 By:



Grenville Pridham, Esq.

11
12 Attorneys for Plaintiff,
13 AMALIA T. CUENCO
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV10 - 3706 DDP (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

The Fullman Firm
 Adam C. Fullman
 Grenville T. Pridham
 13512 S. Newhope Street
 Garden Grove, CA 92843
 Telephone: (714) 534-0050
 Facsimile: (714) 534-0550

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

AMALIA T. CUENCO

PLAINTIFF(S)

v.

LIVINGSTON FINANCIAL LLC, *a business entity for*
 GEORGE LOUIS COHN, *an individual*
 DOES 1 TO 50, INCLUSIVE,

DEFENDANT(S).

CASE NUMBER

CV10-03706 DDP(JEMX)

SUMMONS

TO: DEFENDANT(S): LIVINGSTON FINANCIAL LLC; GEORGE LOUIS COHN; AND DOES 1 TO 50, INCLUSIVE

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Adam Fullman / Grenville Pridham, whose address is 13512 S. Newhope Street, Garden Grove, California 92843. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAY 17 2010

Dated: _____

Clerk, U.S. District Court

By:  _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

| | | | |
|---|--|---|--|
| I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Amalia T. Cuenco | | DEFENDANTS Livingston Financial LLC and George L. Cohn | |
| (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) The Fullman Firm, Adam C. Fullman, Grenville Pridham 13512 S. Newhope Street, Garden Grove, CA 92843 714-534-0050 FAX 714-534-0550 | | Attorneys (If Known) George L. Cohn 2850 Artesia Boulevard Redondo Beach, CA 90278-9200 (310) 370-3730 | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table> | | PTF | DEF | | PTF | DEF | Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | | | | |

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify): _____
☐ 6 Multi-District Litigation
☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Fair Debt Collection Practices Act, 15 USC 1692 et seq.

VII. NATURE OF SUIT (Place an X in one box only.)

| | | | | | |
|--|--|--|---|---|---|
| OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes | CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
|--|--|--|---|---|---|

FOR OFFICE USE ONLY: Case Number: CV10-03706 DDP(JEMX)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles County | |

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

| | |
|-------------------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles County - George L. Cohn | Minnesota, not registered to do business in California - Livingston Financial LLC |

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles County | |

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Grenville P. Williams Date May 17, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistic codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |